

ASSIGNED

Serial No. 60064

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office MAY 10 1994

Returned to applicant for correction

Corrected application filed Map filed MAY 10 1994 under 60059

The applicant Happy Creek Land and Cattle

Box 511 of Elko

Street and No. or P.O. Box No. City or Town

Nevada, 89801

State and Zip Code No. hereby make application for permission to change the

Place of Use

Point of diversion, manner of use, and/or place of use

Permit 38957

of water heretofore appropriated under

Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and

identify right in Decree.

1. The source of water is underground
Name of stream, lake, underground spring or other source.

2. The amount of water to be changed 6.0 cfs
Second feet, acre feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for irrigation
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

4. The water heretofore permitted for irrigation
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

5. The water is to be diverted at the following point within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, T.42N., R.32E.,
Describe as being within a 40-acre subdivision of public survey and by course and
M.D.B.&M., or at a point from which the SE corner of said Section 35 bears S 87° E
distance to a section corner. If on unsurveyed land, it should be stated.

1,300.00 feet.

6. The existing permitted point of diversion is located within n/a
If point of diversion is not changed, do not answer.

7. Proposed place of use see attached sheet
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

8. Existing place of use E $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ in Section 35; SW $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$ in Section 36, all in
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or
T.42N., R.32E., M.D.B.&M.; NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ in Section 1, E $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ in Section 2,
manner of use of irrigation permit, describe acreage to be removed from irrigation.
all in T.41N., R.32E. M.D.B.&M. *640 acres

9. Use will be from January 1st to December 31st of each year.
Month and Day Month and Day

10. Use was permitted from January 1st to December 31st of each year.
Month and Day Month and Day

11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and
specifications of your diversion or storage works.) existing well and irrigation system see well
State manner in which water is to be diverted, i.e. diversion structure.

log filed under Permit 38957
ditches, pipes and flumes, or drilled well, etc.

12. Estimated cost of works \$10,000.00

13. Estimated time required to construct works 3 years

14. Estimated time required to complete the application of water to beneficial use 5 years

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

see attached sheet

John H. Milton, III as agent for
Happy Creek Land and Cattle
 By S/John H. Milton III
146 W. Second St.
Winnemucca, NV 89445

Compared CM/j.v. jr/bk

Protested _____

APPROVAL

OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the place of use of the waters of an underground source as heretofore granted under Permit 38957 is issued subject to the terms and conditions imposed in said Permit 38957 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a measuring device must be installed in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The total combined duty of water under Permits 60059, 60060, 60061, 60062, 60063, 60064, 60065 and 60066 shall not exceed 3063.6 acre-feet annually for the irrigation of 765.90 acres within the described place of use.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 6.0 cubic feet per second, but not to exceed 2,560.0 acre-feet annually, and not to exceed a yearly duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and be completed on or before August 17, 1996

Proof of completion of work shall be filed before September 17, 1996

Application of water to beneficial use shall be made on or before August 17, 1999

Proof of the application of water to beneficial use shall be filed on or before September 17, 1999

Map in support of proof of beneficial use shall be filed on or before September 17, 1999

Completion of work filed OCT 16 1996

Proof of beneficial use filed OCT 17 2002

Cultural map filed OCT 17 2002

Certificate No. 16218 Issued SEP 25 2003

IN TESTIMONY WHEREOF, R. MICHAEL TURNIPSEED, P.E.
 State Engineer of Nevada, have hereunto set my hand and the seal of my

office, this 17th day of August

A.D. 19 95

R. Michael Turnipseed P.E.
 State Engineer

ATTACHED SHEET FOR QUESTIONS SEVEN AND FIFTEEN

7) Proposed Place of Use

S1/2S1/2 of Section 25; W1/2 of Section 36; SE1/4NE1/4 & E1/2SE1/4 of Section 35 in T.42N., R.32E., M.D.B. & M. and NW1/4 & NW1/4SW1/4 of Section 1; E1/2E1/2 & SW1/4SE1/4 of Section 2 in T.41N., R.32E., M.D.B. & M. *765.90 acres

15) Remarks

Applicant wishes to commingle the water under this certificate with the water from the other permits and certificates appurtenant to their farming operation; in order to achieve the most efficient methods of irrigation.